



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,581	07/30/2001	Koji Kida	046982-0120	9542
22428	7590	03/22/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			DURAN, ARTHUR D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/916,581

Applicant(s)

KIDA, KOJI

Examiner

Arthur Duran

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-9 have been examined.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, 8, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerace (5,848,396).

Claims 1, 2, 5, 8: Gerace discloses a server to which user terminals are connected via a network, this server comprising:

user schedule information storage means for storing user schedule information that has been input from the user terminals (col 9, lines 7-40; col 16, lines 35-67; col 22, lines 10-45; Fig. 4a, 'Travel Schedule');

schedule output means for outputting user schedule information from the aforementioned user schedule information storage means when there has been an access from a user terminal (col 3, lines 39-55; col 9, lines 7-40; col 16, lines 35-67; col 22, lines 10-45);

advertisement data storage means for storing advertisement data that has been input from an advertising provider (Fig. 2; Fig. 3a);

and means for associating the advertisement data stored in this advertisement data storage means with the user schedule information from the user schedule information storage means (Fig. 4a, 'Travel Schedule', 'Specials advertised to areas of interest'; col 9, lines 7-40; col 16, lines 35-67; col 22, lines 10-45; Fig. 2; Fig. 3a);

wherein: the means for establishing this association includes interest estimation means for estimating, from the contents of the user schedule information, which advertisements the user will be interested in (Fig. 2; Fig. 3a; col 2, lines 1-35; Fig. 4a, 'Travel Schedule', 'Specials advertised to areas of interest'; col 10, line 50-col 11, line 30);

this interest estimation means includes means for consulting a database in which has been stored information relating to what sort of advertising service a particular schedule item corresponds with, and for extracting a keyword serving to extract advertisement data that corresponds with the stored user schedule information (Fig. 2; Fig. 3a; col 9, lines 25-30; col 16, lines 36-55; Fig. 4a, 'Travel Schedule', 'Specials advertised to areas of interest');

and there is provided advertisement presentation means which uses the keyword extracted by the interest estimation means to associate advertisement data that matches the keyword with the aforementioned user schedule information, and which presents the advertisement data in question along with the user schedule information (Fig. 2; Fig. 3a; col 9, lines 25-30; col 16, lines 36-55; Fig. 4a, 'Travel Schedule', 'Specials advertised to areas of interest').

Claim 4: Gerace discloses a server according to claim 1, which includes means for storing as user schedule information in the user schedule storage means, as a result of

Art Unit: 3622

user input, advertisement data that has been presented along with user schedule information (col 6, line 57-col 7, line 40; Fig. 2; Fig. 3a; Fig. 3f; Fig. 3g; Fig. 4b).

Claim 9: Gerace discloses a storage medium in which have been stored programs which, by being installed in an information processing unit, implement the schedule and advertisement presentation system set forth in claims 1 to 4, the server set forth in claims 5 to 7, and the terminal equipment set forth in claim 8 (Fig. 1; Fig. 2; Fig. 3a; col 3, lines 39-67).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 3, 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace (5,848,396) in view of Desai (20050192008).

Claims 3, 6: Gerace discloses a server according to the above.

Gerace further discloses that the advertisement data storage means stores geographical region data serving as a condition for presenting an advertisement;

a user whereabouts estimation means is provided for estimating which geographical region the user is currently in;

and the advertisement presentation means includes means for associating advertisement

Art Unit: 3622

data that corresponds with this estimated user whereabouts with a user's schedule information, and for presenting the advertisement data along with the schedule information (col 10, line 50-col 11, line 30; col 6, lines 5-10; col 8, line 65-col 9, line 7; col 15, line 65-col 16, line 10; col 16, lines 30-36; col 9, lines 9-30; Fig. 4a, 'Travel Schedule', 'Specials advertised to areas of interest'; col 16, lines 36-55).

Gerace does not explicitly disclose estimating the users location/region from the user's schedule information in the user schedule information storage means.

However, from the preceding citations, Gerace discloses estimating the users location, using user location information to determine information of interest to the user, that user schedule information can be tracked, utilizing user schedule information to determine information of interest to the user, that user travel information can be tracked, that user travel information can be utilized for determining information of interest to the user, that all available information concerning a user, both active and passively obtained, historical, dynamic, and real-time can be tracked and utilized to present information of interest to the user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Gerace can utilize user schedule information to estimate user region/location.

As a further example of this, Desai discloses targeted advertising based on profiles (Paragraph [226]) and utilizing user schedule information to estimate user region/location:

'[0098] . . . For example, the registered user 12 may provide access to profile information such as its favorite musical or play, its travel schedule and its online calendar to selected vendors 24. The vendors 24 may review the available time periods in the online calendar, review the travel schedule to determine the registered user's 12 location (such as city and hotel) on a given date, and recommend to the registered user 12 a local musical or play based on the registered user's 12 preferences.'

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Gerace can utilize user schedule information to estimate user region/location. One would have been motivated to do this in order to better utilize available user information to determine a parameter for presenting information of interest to the user.

Claim 7: Gerace discloses a server according to claim 5 or 6, which includes means for storing as user schedule information in the user schedule storage means, as a result of user input, advertisement data that has been presented along with user schedule information (col 6, line 57-col 7, line 40; Fig. 2; Fig. 3a; Fig. 3f; Fig. 3g; Fig. 4b).

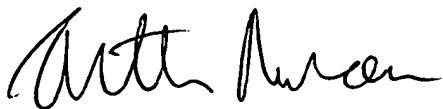
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Arthur Duran', is positioned above the printed name.

Arthur Duran  
Primary Examiner  
1/23/2006